



Middlewick Ranges

BYELAWS

Made by the Secretary of State for Defence, under the provisions of Part II of the Military Lands Act 1892, for regulating the use of the above-mentioned ranges.

STATUTORY INSTRUMENTS

1964 No. 1796

DEFENCE

The Middlewick Ranges Byelaws 1964

Made 5th November 1964

Coming into operation 14th February 1965

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892(a), Section 2 of the Defence (Transfer of Functions) Act 1964(b) and of all other powers enabling him in that behalf hereby, with the consent of the Essex County Council and the Colchester Borough Council so far as regards the interference with the highways hereinafter mentioned, makes the following Byelaws:—

AREA OF LAND AFFECTED

1. The area to which these Byelaws apply (hereinafter referred to as "the Danger Area") consists of the Middlewick Ranges (together with all highways thereon) situated partly in the Municipal Borough of Colchester and partly in the Parish of East Donyland in the County of Essex, the limits of which are set out in the Schedule hereto and are, for convenience of reference, marked with a thick black line on the plan hereto annexed and identified as "Plan of the Middlewick Ranges".

USE OF DANGER AREA

2. The Danger Area may be used for the firing of rifles, revolvers, machine guns and light machine guns and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3. (1) When the Danger Area is being used for any of the purposes specified in Byelaw No. 2, no person shall:—
- (a) enter into or upon or pass over or through the Danger Area, or
 - (b) be or remain in or upon the Danger Area, or
 - (c) cause or permit or suffer any vehicle, animal, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon the Danger Area, or
 - (d) cause or permit any aircraft to fly over the Danger Area at a height less than 500 feet above mean sea level.

(a) 55 & 56 Vict. c.43.

(b) 1964. c.15.

- (2) Whilst the Danger Area is being used for any of the said purposes, notice of the fact shall be given by the display of the following signals, that is to say, by the display of a red flag by day and a red light by night hoisted at the following places:—
- (a) near the Range Warden's Quarters situated on the east side of the Colchester-West Mersea road approximately 400 yards south of Colchester Cemetery;
 - (b) on the south side of Abbot's Road at a distance of approximately 250 yards westward from its junction with the Colchester-Old Heath road;
 - (c) on the north side of Weir Lane approximately 50 yards west of the Ipswich Arms Public House, East Donyland;
 - (d) on the south-west side of the Colchester-Fingringhoe road approximately 220 yards south-east of the most easterly corner of Donyland Heath;
 - (e) near Manwood Bridge on the Colchester-West Mersea road;
 - (f) on the east side of the Colchester-West Mersea road approximately 270 yards north of Manwood Bridge;
 - (g) on the north side of Weir Lane approximately 250 yards south-east of the Cherry Tree Public House, Blackheath;
 - (h) at "C" Range Stop Butts;
 - (i) at "G" Range Stop Butts.

PROJECTILES

4. No person shall dig or search for any projectile or for any metal in or on the Danger Area, or interfere with or take or retain or be in possession of any projectile or any metal found within the Danger Area, or remove any projectile from the Danger Area.

GOVERNMENT STORES

5. No person shall interfere with or remove from the Danger Area any stores or articles belonging to or under the care or control of the Ministry of Defence or otherwise the property of the Crown.

OFFENCES

6. Subject to the provisions of Byelaw No. 8 any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws Nos. 3, 4 and 5 thereby commits an offence against the Byelaw so contravened.

ENFORCEMENT

7. The following persons are hereby authorised to remove from the Danger Area and to take into custody without warrant any person found therein when it is being used for any of the purposes specified in Byelaw No. 2 or found committing any other offence against any of the said Byelaws, and to remove from the Danger Area any vehicle, animal, aircraft or thing whatsoever found in the Danger Area in contravention of any of the said Byelaws:—

- (a) the General Officer Commanding-in-Chief, Eastern Command;
- (b) the General Officer Commanding, East Anglian District;
- (c) the Officer in charge of the Middlewick Ranges;
- (d) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any service policeman, in uniform and being for the time being under the Command of the said General Officer Commanding-in-Chief, Eastern Command, or the General Officer Commanding, East Anglian District, or the Officer in charge of the Middlewick Ranges;
- (e) any person authorised in writing by or on behalf of the said General Officer Commanding-in-Chief, Eastern Command, or the General Officer Commanding, East Anglian District, or the Officer in charge of the Middlewick Ranges; and
- (f) any member of a police force or special constable under the control of the Ministry of Defence.

EXEMPTIONS

8. (1) Nothing done by a person using the Danger Area in pursuance of Byelaw No. 2 or by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State or the General Officer Commanding-in-Chief, Eastern Command, or the General Officer Commanding, East Anglian District, or the Officer in charge of the Middlewick Ranges shall constitute an offence against any of these Byelaws.
- (2) If it is proved that an act or omission of any person which would otherwise have been an offence against any of the provisions of paragraph (1) of Byelaw No. 3 was due to any cause not avoidable by exercise of reasonable care by that person the act or omission shall be deemed not to be an offence against that Byelaw.

INTERPRETATION

9. (1) The Interpretation Act 1889(a) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.

(a) 52 & 53 Vict. c.63.

- (2) In these Byelaws the expression—
 “projectile” includes any shot or shell or other missile and any portion thereof;
 “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

DATE OF OPERATION OF BYELAWS

10. (1) These Byelaws shall come into operation on the 14th day of February 1965, and may be cited as the Middlewick Ranges Byelaws 1964.
- (2) The Byelaws in respect of Colchester (Middlewick and Donyland Ranges) dated the 10th day of February 1940(a) are hereby revoked.

THE SCHEDULE

The limits of the Danger Area are as follows:—

On the North

Commencing at a point on the east side of Mersea Road, 250 yards south-south-east of the south-east corner of Colchester Cemetery, thence for a distance of 345 yards EAST-NORTH-EAST to a point 400 yards east-south-east of the junction of Abbot's Road with Mersea Road and 75 yards south-west of Abbot's Road from a point 450 yards east of the said junction, thence 130 yards SOUTH-EAST and 210 yards EAST BY SOUTH almost parallel with Abbot's Road to a point 100 yards due south of the said road from a point 700 yards from the aforesaid junction with Mersea Road thence 90 yards NORTH BY EAST to a point 15 yards due south of Abbot's Road, thence for a distance of 300 yards EAST-SOUTH-EAST and parallel with the said road to a point 280 yards west-south-west of its junction with the Colchester-Old Heath road; thence

On the East

From the last mentioned point for a distance of 165 yards due SOUTH, thence 125 yards SOUTH-EAST and 400 yards SOUTH-SOUTH-EAST to the northern side of the road leading generally in a north-easterly direction towards Old Heath, at a point where this road bears from a west-east to a north-east direction and crossing the said road, thence for a distance of 500 yards SOUTH-SOUTH-EAST to the track which runs from north to south from Old Heath to Birch Grove, thence for a distance of 220 yards along the said track SOUTH BY EAST, crossing Birch Brook to the northern tip of Birch Grove, thence 130 yards SOUTH-EAST through Birch Grove thence 430 yards SOUTH-SOUTH-EAST to a point on the southern side of Weir Lane 110 yards west-south-west of the Ipswich Arms Public House, thence

along the south side of Weir Lane EAST-NORTH-EAST for 60 yards, thence generally SOUTH-SOUTH-EAST for a distance of 320 yards along the eastern boundary of Donyland Heath to its eastern-most extremity at a point 320 yards south-south-east of the Ipswich Arms Public House, thence for a distance of 450 yards SOUTH BY WEST to a point situate on the eastern side of a strip of rough pasture, 350 yards north-north-west of Roman River, where the said strip of rough pasture adjoins the said river; thence

On the South

From the last mentioned point in a direction WEST-SOUTH-WEST for a distance of 400 yards, to a point in Donyland Wood 390 yards north-north-west of its south-east corner, thence for a distance of 350 yards WEST-SOUTH-WEST to a point 480 yards north-west of the south-east corner of Donyland Wood, thence for a distance of 130 yards SOUTH-WEST to a point 310 yards north-east of the south-western extremity of the said wood, thence for a distance of 220 yards NORTH-WEST to a point on the west of Donyland Wood 430 yards north-north-east of Manwood Bridge and 150 yards due east of Mersea Road at a point on Roman Hill 410 yards north by west of Manwood Bridge; thence

On the West

From the last mentioned point for a distance of 260 yards NORTH BY WEST to a point 280 yards due east of Mersea Road at Roman Hill, 690 yards north-north-west of Manwood Bridge, thence 650 yards NORTH-NORTH-WEST to the north side of Weir Lane, 220 yards east of its junction with Mersea Road at Roman Hill, thence 460 yards NORTH-NORTH-WEST to a point 330 yards north-east of the Cherry Tree Public House, thence 310 yards NORTH BY WEST to the south side of the disused Redoubt, thence following the south-west, west and north-western edges of the said Redoubt to a point 320 yards due east of Mersea Road and 680 yards north by east of the Cherry Tree Public House, thence 210 yards NORTH BY EAST crossing Birch Brook to a point 170 yards due west of the western extremity of the Stop Butts, on the east side of the track at this point, thence for a distance of 550 yards NORTH BY WEST to the eastern corner of the Range Warden's Quarters, thence NORTH-NORTH-EAST along the eastern side of Mersea Road to the point of commencement.

Dated this 5th day of November 1964.

(Sgd.) V. BOVENIZER
By Order of the Secretary of
State for Defence

The consent of the Essex County Council to the making of these Byelaws, so far as regards the restriction of the use of such or such parts of the highways mentioned therein as are situated within its area was given by a resolution dated the Twenty-sixth day of March 1963.

(Sgd.) CHRISTIAN BERRIDGE
Clerk of the Essex County Council

The consent of the Colchester Borough Council to the making of these Byelaws, so far as regards the restriction of the use of such or such parts of the highways mentioned therein as are situated within its area was given by a resolution dated the Sixth day of March 1963.

(Sgd.) N. CATCHPOLE
Clerk of the Colchester Borough
Council

NOTICES

PENALTY FOR OFFENCES

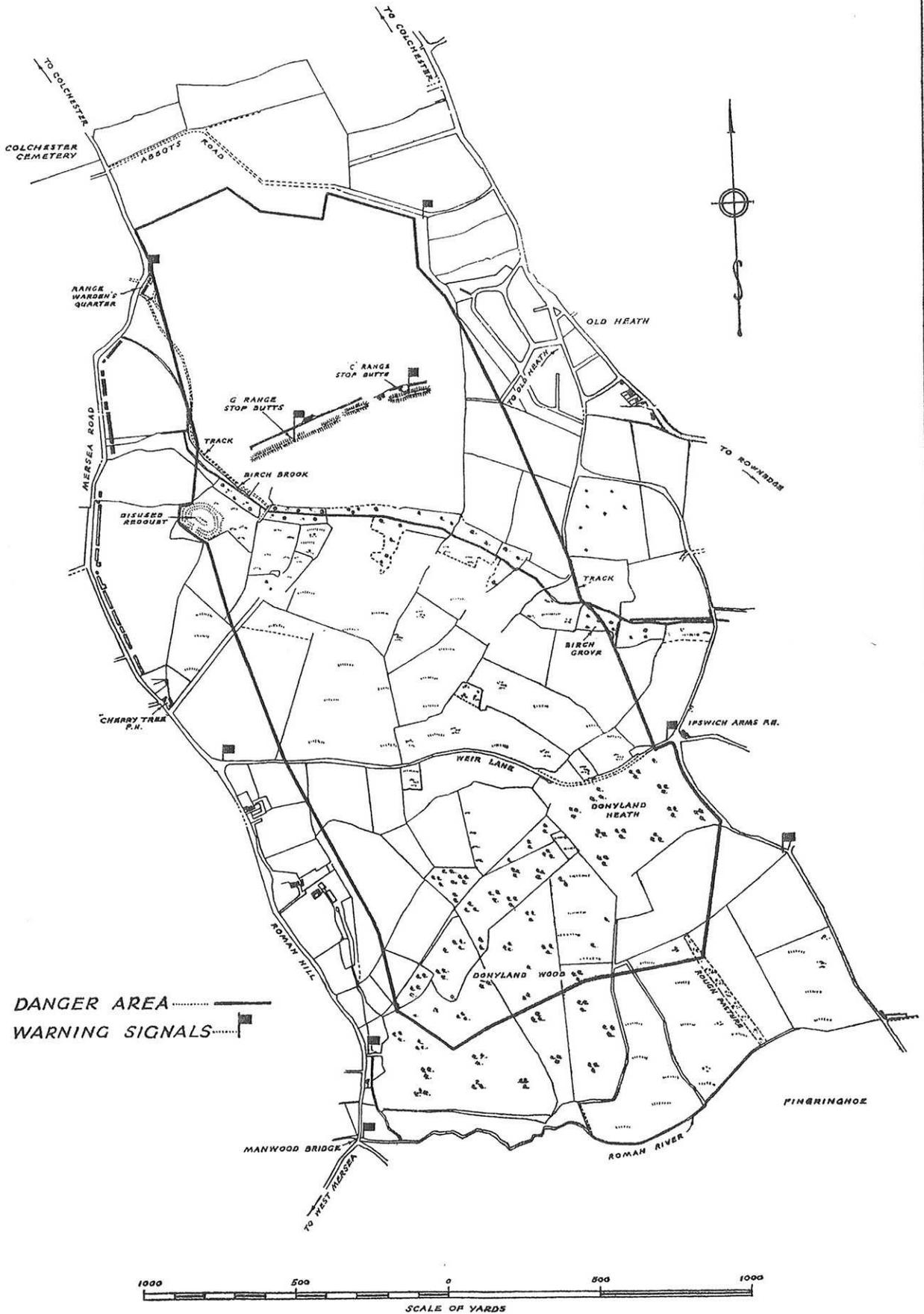
1. By section 17 (2) of the Military Lands Act, 1892, as amended by Section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided:—

If any person commits an offence against any Byelaw under this Act, he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding TWENTY POUNDS, and may be removed by any Constable or Officer authorised in manner provided by the Byelaw from the area, whether land or water, to which the Byelaw applies, and taken into custody without Warrant, and brought before a Court of Summary Jurisdiction to be dealt with according to law, and any vehicle, animal, vessel, or thing found in the area in contravention of any Byelaw, may be removed by any Constable or such Officer as aforesaid, and on due proof of such contravention, be declared by a Court of Summary Jurisdiction to be forfeited to Her Majesty.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Police Station, Queens Street, Colchester, and at the Office of the Town Clerk of the Council of the Borough of Colchester. They may also be inspected at the Office of the Senior Estate Surveyor (South), Property Services Agency, Department of the Environment, Block D, Brooklands Avenue, Cambridge, CB2 2DZ, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

PLAN OF THE MIDDLEWICK RANGES



RECOVERY OF PROJECTILES

3. Any person who finds a projectile within the Danger Area must not disturb it but should report the finding of it to the Officer in charge of the Middlewick Ranges, to the Range Warden or to the police at the first opportunity.

PUBLIC NOTIFICATION OF FIRING

4. Public Notification that night firing will take place will be given by the publication of a notice in "The Essex County Standard" and "The Colchester Gazette", not less than seven clear days before the night of firing, giving particulars of the intended date, time and duration of the firing.

Notwithstanding any fine limit mentioned in the above byelaws the current maximum fine as at 01/09/2008 is the sum of £500 being the maximum on level 2 of the standard scale.